



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BARCLAY

Serial No.: 09/461,709

Filed: December 14, 1999

Atty. File No.: 2997-1-3-2

For: "LIPIDS EXTRACTED FROM
MICROORGANISMS"

Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

This Response to Restriction Requirement is made in response to the Office Action dated February 14, 2001. This Response is being filed within the one month period for response and therefore, is believed to be timely, and no fees are believed to be due. In the event that any fees are due, please debit Deposit Account No. 19-1970.

The Examiner has restricted the claims into five groups as follows: Group I (Claims 38-52); Group II (Claims 53-66); Group III (Claims 67-81); Group IV (Claims 82-88); and Group V (Claims 89-93).

Applicant hereby traverses the restriction requirement and request that the claims be rejoined. The Patent Office may require restriction if two or more "independent and distinct" inventions are claimed in one application. However, "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." MPEP § 803. Applicant submits

Group Art Unit: 1651

Examiner: WARE, D.

RESPONSE TO
RESTRICTION REQUIREMENT

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
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WASHINGTON, D.C., 20231 ON MARCH 14, 2001.

SHERIDAN ROSS P.C.

BY: Constance Robnett

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that a thorough search for any one of the groups should also include the subject matter of the remaining groups. In the present case, the subject matter of the groups cited by the Examiner is sufficiently small and is so closely related as to be capable of examination together. The restriction requirement in this case only serves to increase the prosecution expense to the Applicant and to the Patent and Trademark Office. Applicant respectfully requests that the Examiner withdraw the restriction requirement.

Although Applicant has traversed the foregoing restriction requirement, Applicant hereby elects the invention of Group II, Claims 53-66, drawn to a process for producing lipids.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Gary J. Connell
Registration No. 32,020
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 14 March 2001